

## REMARKS

Claims 1-2, 4-12, 14-17, 19-24 and 26 are pending in this Application. By this Amendment, Claims 1, 11, 16 and 22 are amended; and Claims 3, 13, 18 and 25 are canceled. Applicant respectfully request reconsideration of the present application in view of the foregoing amendment and the following remarks.

### I. PRIOR ART REJECTIONS

#### *Claim Rejections Under 35 U.S.C. §102 (b)*

Claims 1-2, 5-12, 14-17, 19-24 and 26 stand rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 5,132,085 to Harrell et al. (hereafter "Harrell"). This rejection is respectfully traversed.

Claim 1 provides, *inter alia*, an apparatus for sterilizing articles, comprising a chamber for receiving articles to be sterilized, a heater for heating liquid in said chamber to form steam, a pressure sensor in communication with said chamber, and a control mechanism; wherein the pressure of steam inside said chamber is sensed by said pressure sensor, and said control mechanism maintains the steam at a predetermined pressure until an end of a sterilization cycle, and wherein at least two pressure sensors are provided, each said pressure sensor operable to select different predetermined pressures. Claim 11 provides, *inter alia*, a method of sterilizing articles comprising the steps of providing a sterilizing apparatus having a chamber, a heater, a pressure sensor and a control mechanism, placing articles to be sterilized in the chamber, supplying liquid to the apparatus, heating the liquid to form steam, sensing the pressure of steam inside the chamber, wherein when a predetermined pressure of steam inside the chamber is attained, the control mechanism is activated to retain the steam at the predetermined pressure of steam until a sterilization cycle is completed, and selecting the predetermined pressure of steam from at least two predetermined pressures. Claim 16 provides, *inter alia*, a method of sterilizing articles, comprising the steps of providing a sterilizing apparatus having a chamber, a heater, and a control mechanism, placing articles to be sterilized in the chamber, supplying liquid to the apparatus, heating the liquid to form saturated steam, retaining the saturated steam in the chamber for a predetermined period of time at a predetermined pressure, and venting the chamber, whereby the articles are substantially dry at the end of a sterilization cycle; wherein the

predetermined pressure is selectable from at least two different predetermined pressures. Claim 22 provides, *inter alia*, a method of reducing biofilm contamination in a sterilizing apparatus, comprising the steps of providing fresh liquid to the apparatus, heating the fresh liquid to form steam, retaining the steam in the apparatus for a predetermined period of time in order to sterilize articles placed in the apparatus, venting the apparatus, condensing the steam to form waste liquid, and discharging the waste liquid; wherein the fresh liquid and the waste liquid are kept separate from one another.

As set forth in the Office Action, Harrell discloses a method and apparatus for steam sterilization having a chamber, a heater, a pressure sensor and a control mechanism.

It is respectfully submitted that Harrell fails to teach or suggest Applicant's claimed invention. As claimed by Applicant, the present invention provides a system and method having the ability to set two different pressures at which the process may operate. By using two different sensors, the present invention enables a user to more accurately select the proper sterilization parameters, based upon the article to be sterilized. As only one pressure sensor is disclosed in Harrell, it is respectfully submitted that Harrell fails to teach or suggest two pressure sensors or the advantages associated with using two pressure sensors. Therefore, it is respectfully submitted that Harrell fails to teach or suggest Applicant's claimed invention.

In regards to Claim 22, it is respectfully submitted that Harrell does not teach or suggest a method of reducing biofilm contamination in a sterilizing apparatus wherein the fresh liquid and the waste liquid are kept separate from one another. The system and methods disclosed in Harrell do not teach this aspect of Applicant's claimed invention, nor are the advantages associated with keeping the waste liquid and fresh liquid separate from one another recognized by Harrell. Therefore, it is respectfully submitted that there is no teaching in Harrell to keep the waste liquid and fresh liquid separate, nor any motivation, either express or implied, to modify the system disclosed in Harrell to perform this step. As such, it is respectfully submitted that Harrell fails to teach or suggest Applicant's claimed invention.

For at least the reasons given above, Applicant respectfully submits that Claim 1, Claim 11, Claim 16 and Claim 22 are allowable over the prior art of record. Furthermore, as Claims 2, 5-10, 12, 14-15, 17, 19-21, 23-24 and 26 recite additional claim features and depend from Claim 1, Claim 11, Claim 16 or Claim 22, these claims are also allowable over the prior art of record.

Claims 1-2, 5-12, 14-17, 19-24 and 26 stand rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 6,058,247 to Lahey et al. (hereafter "Lahey"). This rejection is respectfully traversed.

Applicant's claimed invention may be relied upon as above.

As set forth in the Office Action, Lahey discloses a sterilization chamber with a heater and with a pressure sensor and a temperature sensor.

It is respectfully submitted that Lahey fails to teach or suggest Applicant's claimed invention. As discussed, the present invention provides a system and method having two pressure sensors that provides the ability to set two different pressures at which the process may operate. As only one pressure sensor is disclosed in Lahey, it is respectfully submitted that Lahey fails to teach or suggest two pressure sensors or recognize the advantages associated with using two pressure sensors. Therefore, it is respectfully submitted that Lahey fails to teach or suggest Applicant's claimed invention.

In regards to Claim 22, it is respectfully submitted that Lahey does not teach or suggest a method of reducing biofilm contamination in a sterilizing apparatus wherein the fresh liquid and the waste liquid are kept separate from one another. The system and methods disclosed in Lahey do not teach this aspect of Applicant's claimed invention, nor are the advantages associated with keeping the waste liquid and fresh liquid separate from one another recognized by Lahey. Therefore, it is respectfully submitted that there is no teaching in Lahey to keep the waste liquid and fresh liquid separate, nor any motivation, either express or implied, to modify the system disclosed in Lahey to perform this step. As such, it is respectfully submitted that Lahey fails to teach or suggest Applicant's claimed invention.

For at least the reasons given above, Applicant respectfully submits that Claim 1, Claim 11, Claim 16 and Claim 22 are allowable over the prior art of record. Furthermore, as Claims 2, 5-10, 12, 14-15, 17, 19-21, 23-24 and 26 recite additional claim features and depend from Claim 1, Claim 11, Claim 16 or Claim 22, these claims are also allowable over the prior art of record.

Claims 1-26 stand rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 5,762,889 to Hopper (hereafter "Hopper"). This rejection is respectfully traversed.

Applicant's claimed invention may be relied upon as above.

As set forth in the Office Action, Hopper discloses a method and apparatus for steam sterilization including a sterilizing chamber, a heater, and two pressure sensors that function as sensors and are linked to the control mechanism to control the sterilization cycle according to two set parameters.

It is respectfully submitted that Hopper fails to teach or suggest Applicant's claimed invention. Hopper is alleged to teach two pressure sensors that function as sensors and are linked to the control mechanism to control the sterilization cycle according to two set parameters. However, the two pressure sensors are not used to set two different pressures at which the process may operate. While one pressure sensor is used in conjunction with the heating element (pressure switch 40 – col. 5, lines 21-25), the other pressure sensor is not used in conjunction with setting a pressure at which the process may operate. Rather, pressure sensor 38 is connected to the vacuum pump 52 and is arranged to assure that power to the pump is discontinued when a switch 60 is in the "on" position and when pressure in the chamber drops below a predetermined limit. This is not the same as Applicant's claimed invention wherein the second pressure switch operates in a manner similar to the first pressure switch to set a pressure (and therefore a temperature) at which the process will operate. Accordingly, it is respectfully submitted that Hopper fails to teach or suggest Applicant's claimed invention.

In regards to Claim 22, it is respectfully submitted that Hopper does not teach or suggest a method of reducing biofilm contamination in a sterilizing apparatus wherein the fresh liquid and the waste liquid are kept separate from one another. The system and methods disclosed in Hopper do not teach this aspect of Applicant's claimed invention, nor are the advantages associated with keeping the waste liquid and fresh liquid separate from one another recognized by Hopper. Therefore, it is respectfully submitted that there is no teaching in Hopper to keep the waste liquid and fresh liquid separate, nor any motivation, either express or implied, to modify the system disclosed in Hopper to perform this step. As such, it is respectfully submitted that Hopper fails to teach or suggest Applicant's claimed invention.

For at least the reasons given above, Applicant respectfully submits that Claim 1, Claim 11, Claim 16 and Claim 22 are allowable over the prior art of record. Furthermore, as Claims 2, 4-10, 12, 14-15, 17, 19-21 and 23-26 recite additional claim features and depend from Claim 1, Claim 11, Claim 16 or Claim 22, these claims are also allowable over the prior art of record.

Claims 1-2, 5-12, 14-17, 19-24 and 26 stand rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 5,730,944 to Peake (hereafter "Peake"). This rejection is respectfully traversed.

Applicant's claimed invention may be relied upon as above.

As set forth in the Office Action, Peake discloses a sterilization chamber with a heater and with a pressure sensor and a temperature sensor. A pressure pump is also provided to sustain the sterilization cycle.

It is respectfully submitted that Peake fails to teach or suggest Applicant's claimed invention. As discussed, the present invention provides a system and method having two pressure sensors that provides the ability to set two different pressures at which the process may operate. Again, the use of two different sensors permits a user to more accurately select the proper sterilization parameters. Since only one pressure sensor is disclosed in Peake, it is respectfully submitted that Peake fails to teach or suggest two pressure sensors or recognize the advantages associated with using two pressure sensors. Therefore, it is respectfully submitted that Peake fails to teach or suggest Applicant's claimed invention.

In regards to Claim 22, it is respectfully submitted that Peake does not teach or suggest a method of reducing biofilm contamination in a sterilizing apparatus wherein the fresh liquid and the waste liquid are kept separate from one another. The system and methods disclosed in Peake do not teach this aspect of Applicant's claimed invention, nor are the advantages associated with keeping the waste liquid and fresh liquid separate from one another recognized by Peake. Therefore, it is respectfully submitted that there is no teaching in Peake to keep the waste liquid and fresh liquid separate, nor any motivation, either express or implied, to modify the system disclosed in Peake to perform this step. As such, it is respectfully submitted that Peake fails to teach or suggest Applicant's claimed invention.

For at least the reasons given above, Applicant respectfully submits that Claim 1, Claim 11, Claim 16 and Claim 22 are allowable over the prior art of record. Furthermore, as Claims 2, 5-10, 12, 14-15, 17, 19-21, 23-24 and 26 recite additional claim features and depend from Claim 1, Claim 11, Claim 16 or Claim 22, these claims are also allowable over the prior art of record.

*Claim Rejections Under 35 U.S.C. §103 (a)*

Claims 3-4, 13, 18 and 25 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Peake. This rejection is respectfully traversed.

It is respectfully submitted that Peake fails to teach or suggest Applicant's claimed invention. As previously discussed, Peake fails to teach or suggest two pressure sensors. According to the Office Action, it would have been obvious to add a pressure sensor to the pressure pump. While it is respectfully submitted that there is no motivation, either express or implied, to add a sensor to the pressure pump as suggested by the Office Action, even if such motivation did exist, the addition of a pressure sensor to the pressure pump would still not teach or suggest Applicant's claimed invention. The second sensor used by Applicant is provided in conjunction with the sterilization apparatus itself to permit the process to be run at different pressures, and, therefore, different temperatures, thereby better enabling the proper sterilization of articles. Adding a pressure sensor to the pressure pump of Peake would not enable the system of Peake to operate at different pressures. Therefore, even if the addition of a pressure pump pressure sensor were proper, this combination would still not teach or suggest Applicant's claimed invention.

For at least the reasons given above, Applicant respectfully submits that Claim 1, Claim 11, Claim 16 and Claim 22 are allowable over the prior art of record. Furthermore, as Claim 4 recites additional claim features and depends from Claim 1, this claim is also allowable over the prior art of record.

**II. CONCLUSION**

For at least the reasons given above, Applicants submit that Claims 1-2, 4-12, 14-17, 19-24 and 26 define patentable subject matter. Accordingly, Applicant respectfully requests allowance of these claims.

The foregoing is submitted as a full and complete Response to the Office Action mailed November 16, 2004, and early and favorable consideration of the claims is requested.

Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is respectfully requested to contact Applicant's representative at the telephone number listed below.

A Petition for One Month Retroactive Extension of Time is being submitted herewith along authorization to charge the required fee to Deposit Account No. 50-0951.

Respectfully submitted,

Date: 3/16/05



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